

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51375 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- JIYAPOKHAR District- Kishanganj

Muzaffar Alam @ Muzaffar S/o Md. Manglu, R/o Vill.- Rajagaon, P.S.- Jiya Pokhar, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Jiya Pokhar P. S. Case No. 3/2018 instituted for the offence under Section(s) 376 Indian Penal Code and Section 4/6 POCSO Act.

Learned counsel for the petitioner has submitted that from the written report it would appear that girl was found with this petitioner in a cattle shed in compromising position and thereafter the father of the victim has filed the case. It has further been submitted that girl was major and the act was being done with her consent. The victim girl has given her statement under Section 164Cr.P.C. which is annexed as Annexure-2 to the bail petition, wherein, she has stated that this petitioner took her to the cattle shed and thereafter committed illegal act with



her. But from her statement u/s 164 Cr.P.C. it appears that no any force was applied to her. She has stated that her father came to the cattle shed and caught hold the boy. The medical report of the victim is annexed as Annexure-3, wherein, the doctor has found her age to be 16 to 18 years. The girl in her statement U/s 164 Cr P.C. has stated her age to be 17 years. The court has assessed her age to be 17 years.

The petitioner is in custody since 14.3.2018.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge (POCSO Act) Kishanganj, in connection with Jiya Pokhar P. S. Case No. 3/2018 (Special POCSO 10/18) subject to the condition that both the bailers shall be the close relative of the petitioner.

(Sanjay Priya, J)

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